

CENTRAL INFORMATION COMMISSION
Club Building (Near Post Office)
Old JNU Campus, New Delhi - 110067
Tel: +91-11-26101592

File No. CIC/BS/A/2013/002747/6290
03 November 2014

Relevant Facts emerging from the Appeal:

Appellant : Mr. Inala Satyanarayana Murthy
S/o Late Shri Rama Rao
D. No. 14/352, Edepalli,
Machilipatnam – 521001
Krishna District, A. P.

Respondent : CPIO & Superintendent of Post Offices
Department of Posts
Machilipatnam Division
Machilipatnam - 521001

FAA
Department of Posts
O/o PMG
Vijayawada Region,
Vijayawada - 520003

RTI application filed on : 24/06/2013
PIO replied on : 05/07/2013
First appeal filed on : 11/07/2013
First Appellate Authority order : 13/08/2013
Second Appeal dated : 09/10/2013

Information sought:-

The appellant wants the copy of the following documents:-

1. Record of enquiry.
2. Charge sheet said to have been issued &
3. Final action initiated against the concerned assistant.

Grounds for the Second Appeal:

The CPIO has denied the information under Section 8(1)(e) & (h) of the RTI Act.

Relevant Facts emerging during Hearing:

The following were present

Appellant: Mr. Inala Satyanarayana Murthy through VC;

Respondent: Mr. Srinivas Rao, ACPIO through VC;

The appellant stated that a complaint was lodged against a postal assistant and vide RTI application dated 24/06/2013 he had asked for record of inquiry, copy of chargesheet and final action taken against the concerned assistant but the CPIO vide his letter dated 05/07/2013 rejected the request claiming exemption under Section 8(1)(e)&(h) of the RTI Act. The ACPIO

stated that at the time the RTI application was received only chargesheet was issued and disciplinary proceedings were yet to be concluded and based on the Commission's earlier decisions exemption was claimed under Section 8(1)(h) of the RTI Act. He further stated that no inquiry was conducted in the matter but only a preliminary investigation was done and the delinquent employee was served a chargesheet and punishment of reduction of pay and allowances for three months has been awarded. He informed that copies of all documents have been supplied to the appellant. The appellant stated that the FAA's order, while directing provision of information, does not give any findings on the CPIO's reply and hence he is unable to know whether the exemption claimed by the CPIO under Section 8(1)(e)&(h) of the RTI Act is valid or not. The appellant pleaded that he would like to inspect the relevant records to verify himself whether the complete and correct information has been provided and would also like to take photocopies therefrom. The ACPIO agreed. The appellant stated that the FAA, inspite of making a specific request, decided his appeal without giving any opportunity of hearing.

Decision notice:

As agreed by the ACPIO he should allow the appellant to inspect the relevant records and also permit him to take photocopies/extracts therefrom, free of cost, upto 10 pages within 07 days from the date of receipt of this order.

As regards the appellant's submissions that he was not given an opportunity of personal hearing by the FAA, it is needless to say that rendering an opportunity of hearing to the parties is a fundamental principle of jurisprudence. It is conducive to fairness and transparency and accords with the principles of natural justice. An opportunity of hearing to the parties also brings greater clarity to the adjudicating authorities. This Commission always gives an opportunity of hearing to the parties but this does not appear to be usually done by the FAAs, as probably there are practical difficulties therein, partly arising out of the number of appeals involved and partly due to the limited time frame in which the matters are required to be decided. In view of this, we would only like to suggest that the FAA should, as far as possible give the appellant including the third party, if any, an opportunity of hearing specially if he so requests, without forgetting that the essence of RTI Act is to provide complete, correct and timely information to the appellant.

The appeal is disposed of accordingly.

BASANT SETH
Information Commissioner

Authenticated true copy:

(R. L. Gupta)
Dy. Registrar/Designated Officer